

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Appl. No. : 10/682,101 Confirmation No. 9213
Filed : October 9, 2003
Title : MODULAR BONE IMPLANT, TOOLS, AND METHOD
Applicant : Daniel F. Justin et al
TC/A.U. : 3733
Examiner : Michael B. Priddy
Atty. Docket No. : ZIM0403
Customer No. : 43963

2007 AUG 28 PM 3:41

REFUND REQUEST UNDER 37 CFR § 1.26

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

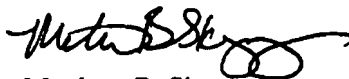
On June 18, 2007, Baker & Daniels' Deposit Account No. 02-0385 was charged \$120.00 for a one month Extension Fee in connection with the above-identified application.

On June 1, 2007, an Election was filed in response to the Office communication mailed May 1, 2007. Since applicant was given one (1) month from the mailing date of the Office communication to file a response, it is submitted that the Election was timely filed and that no extension fee was required.

Copies of the Office communication, Election and dated stamped returned postcard are enclosed.

It is requested that Deposit Account No. 02-0385 be reimbursed \$120.00 for the extension fee.

Respectfully submitted,



Matthew B. Skaggs
Registration No. 55,814
Attorney for Applicants

MBS/nw

BAKER & DANIELS LLP
111 East Wayne Street, Suite 800
Fort Wayne, IN 46802
Telephone: 260-424-8000
Facsimile: 260-460-1700

Enc. As noted above
Return Postcard

CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: August 24, 2007

Matthew B. Skaggs, Regis. No. 55,814

Name of Registered Representative



Signature

August 24, 2007

Date

RECEIPT IS ACKNOWLEDGED OF:

TYPE OF PAPER: ELECTION
APPLICANT: DANIEL F. JUSTIN ET AL
SERIAL NO. 10/682,101
FILED: OCTOBER 9, 2003
TITLE: MODULAR BONE IMPLANT, TOOLS, AND METHOD

DATE MAILED: _____ JUNE 1, 2007 _____

MDS/NW
ZIM0403





UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10682101	10/9/2003	JUSTIN ET AL.	ZIM0403

John F. Hoffman, Esq.
BAKER & DANIELS LLP
Suite 800
111 East Wayne Street
Fort Wayne, IN 46802

EXAMINER

Michael B. Priddy

ART UNIT

PAPER

3733

20070424

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on 05/19/2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the Requirement for Restriction/Election mailed 04/19/2006 indicated the application contains claims directed to the following patentably distinct species:

Tray/Keel assembly

Species A: Fig. 4

Species B: Fig. 5

Cross sectional shape of male/female junction

Species A: Fig. 1-4

Species B: Fig. 6

From which Applicant was required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. See 37 CFR 1.111. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

EDUARDO C. ROBERT
SUPERVISORY PATENT EXAMINER

Michael B. Priddy
Michael B. Priddy

04/25/2007



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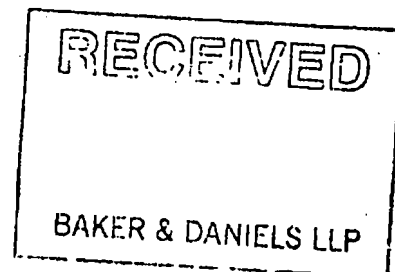
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,101	10/09/2003	Daniel F. Justin	ZIM0403	9213
7590 John F. Hoffman, Esq. BAKER & DANIELS LLP Suite 800 111 East Wayne Street Fort Wayne, IN 46802			EXAMINER PRIDDY, MICHAEL B	
			ART UNIT 3733	PAPER NUMBER
			MAIL DATE 05/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

REPLY DUE:

6-1-07
DOCKET 1 ✓ DOCKET 2 ✓



Application Serial No. 10/682,101

Election dated June 1, 2007

Reply to Office Action April 19, 2006 and Office Communication of May 1, 2007

THE UNITED STATES PATENT AND TRADEMARK OFFICE

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ELECTION

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants respectfully submit that the previous response to the election requirement set forth by the Examiner in the Office Action dated April 19, 2006, was fully responsive and Applicants hereby reelect, without prejudice, Invention II: Claim 11-33. Claims 11-33 are directed to tools for holding, assembling, and disassembling tibial implants and the species of tray/keel assemblies and/or cross sectional shape of male/female junctions identified by the Examiner are not relevant to these claims.

Applicants hereby respectfully reserve the right to file one or more divisional applications directed to non-elected species.

It is believed that the above represents a complete response to the Office Action and Communication.

In the event Applicants have overlooked the need for an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby petition therefor and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

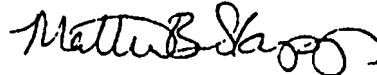
Application Serial No. 10/682.101

Election dated June 1, 2007

Reply to Office Action April 19, 2006 and Office Communication of May 1, 2007

Should the Examiner have any further questions regarding any of the foregoing, he is respectfully invited to telephone the undersigned at 260-424-8000.

Respectfully submitted,



Matthew B. Skaggs

Registration No. 55,814

Attorney for Applicants

MBS/nw

BAKER & DANIELS LLP

111 East Wayne Street, Suite 800

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MATTHEW B. SKAGGS, REG. NO. 55,814

Name of Registered Representative



Signature

June 1, 2007

Date

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 06/18/2007

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Adjustment Date: 09/12/2007 WFEEBREM1
06/18/2007 DBREWER 00000002 020385 10682101
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